

King, Michael M

From: Wufoo <no-reply@wufoo.com>
Sent: Wednesday, July 5, 2017 12:20 PM
To: King, Michael M
Subject: Irish Hill Neighborhood Plan update [#2]

Name John Hawkins

Address 
1206 Lexington Road
Louisville, KY 40204
United States

Email jhawkins01@me.com

What are your thoughts on this plan? Is there something that was not considered? Are there parts of this neighborhood plan update that you do and do not like? *

Greetings -

I'm writing to support the draft recommendations of this plan, specifically "Encourage traditional neighborhood commercial form with a mix of commercial and residential uses that complement the neighborhood." In my opinion, "traditional neighborhood commercial" should severely limit the intensity of commercial/industrial uses, and M2 or M3 uses should never be allowed. Any future uses should be in agreement with the Lexington Road Corridor Transportation Plan of 2014, and the Irish Hill Neighborhood Plan which recommends downsizing of industrial activities to uses more compatible with the neighborhoods' residential core.

I serve on the Irish Hill Neighborhood Association Board of Directors, and I've lived on Lexington Road eleven years.

Sincerely,

John Hawkins

1206 Lexington Road

King, Michael M

From: Wufoo <no-reply@wufoo.com>
Sent: Wednesday, July 5, 2017 3:47 PM
To: King, Michael M
Subject: Irish Hill Neighborhood Plan update [#3]

Name Kayla Scanlon

Address



1208 Lexington Rd
Louisville, Kentucky 40204
United States

Email kay_la23@yahoo.com

What are your thoughts on this plan? Is there something that was not considered? Are there parts of this neighborhood plan update that you do and do not like? *

I am ABSOLUTELY OPPOSED to the idea of a concrete plant right in the middle of a residential area. The proposed concrete plant in the 1300 block of Lexington road would be a TERRIBLE idea. This would cause horrible noise pollution and disrupt the neighborhood even more. This area is finally starting to come together with more housing (Axis Apartments) and also other things building up in the area that I would hate for this to make a turn for the worse.

King, Michael M

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, July 6, 2017 11:20 AM
To: King, Michael M
Subject: Irish Hill Neighborhood Plan update [#4]

Name Chirag Patel

Address 
308 s spring st
Louisville , Kentucky 40206
United States

Email pateldchirag@gmail.com

What are your thoughts on this plan? Is there something that was not considered? Are there parts of this neighborhood plan update that you do and do not like? * They add to residential and not commercial zone

King, Michael M

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, July 6, 2017 11:33 AM
To: King, Michael M
Subject: Irish Hill Neighborhood Plan update [#5]

Name Evan Holladay

Address 
1229 Payne Street
Louisville, Kentucky 40204
United States

Email evanholladay@gmail.com

What are your thoughts on this plan? Is there something that was not considered? Are there parts of this neighborhood plan update that you do and do not like? *

Do not like the use of industrial in any portion of the neighborhood plan and the Lexington Road study. This is a quickly redeveloping neighborhood and is turning into a great spot for walkability, lots of trees, and mixed uses of residential and commercial. Putting any form of industrial would hamper the future growth of the neighborhood and the quality of life for the residents that live there now. This would go against all that Irish Hill has strived for to grow into a walkable, neighborhood friendly mixed use community. Please do not allow industrial uses along Lexington Road.

Baker, Kendal

From: Lisa S <lsantos@twc.com>
Sent: Wednesday, July 5, 2017 9:00 PM
To: Baker, Kendal
Cc: DDettli210@gmail.com; Alison@commonwealththeatre.org; 'Chandler & Mickie Bainter'; bevans@cityscaperesidential.com; Robinson, Christa; King, Michael M; Ethridge, Kyle; 'Tom Stephens'; 'jessb'; jackief@centerforneighborhoods.org; Hollander, Bill H.; Sexton Smith, Barbara; Swintosky, John; 'Patti Clare'; maria.scheitz@gmail.com; 'Ray Schuhmann'; 'Billy Hardison'; 'Joe Argabrite'; andyblieden@aol.com; 'John Grantz'; 'Maria Scheitz'
Subject: 17NEIGHPLAN1002/1003 IHNA comments

Dear Mr. Baker,

Regarding case 17NEIGHPLAN1002/1003, the Irish Hill Neighborhood Association (IHNA) would like to record the following comments.

1. Regarding appropriate zoning recommendations, IHNA supports the recommendations of the Advisory Committee for future land uses and down-zoning for the properties located along the Lexington Road corridor. This includes the down-zoning of the River Metals property at 1371 Lexington Road (noted in the recommendations as the Large Scale Redevelopment Area). This is as put forward by the original Irish Hill Neighborhood Plan:

a. River Metals' owner has a contract with a cement plant company and if the Planning Commission approves the Advisory groups recommendations to the Irish Hill Neighborhood Plan, then the land would be appropriately zoned and exclude the Large Scale Development Area for use as a cement plant.

b. IHNA supports repurposing the land as the keystone site for a recreational path, stream restoration and other amenities for both neighbors and path users.

2. Regarding transportation, IHNA believes that such a facility is not compatible with the Lexington Road Transportation Plan, the Lexington Road Safety Project and the new residential units.

a. The narrowing of Lexington and the slowing of traffic makes this use not conducive.

b. Sharing the road with more industrial trucks is a safety hazard for area cyclists and pedestrians.

c. IHNA believes that the road access on Lexington will be more dangerous and is not a viable option considering the level of truck traffic required both in raw materials required and the number of daily runs required for each of the trucks to make the project economically feasible.

3. Regarding the location of higher lever industrial uses (M-2 and M-3 zoning) adjacent to Beargrass Creek, IHNA believes that such uses are not compatible for the riparian area of Beargrass Creek. In the future development of the River Metals property, IHNA requests that an extended easement be created that protects and enhances the riparian area of the creek

and that the developer agrees to build the section of the proposed trail while granting full public access.

Respectfully,
Lisa Santos, Co-Chair
Irish Hill NA

July 6, 2017

Planning Commission,

I have lived in Irish Hill on the Lexington Road corridor by 32 years. I have been active with the Irish Hill Neighborhood Association for over 20 years. It has always been my desire to help the neighborhood and its residents improve the livable and built environment of the area while preserving the character, historical features and natural resources located within Irish Hill's boundary.

In 2002, I was an active participant in writing the Irish Hill Neighborhood Plan. Now in 2017, I have been appointed by Mayor Fisher to the Lexington Road Land Use Study Advisory Group. I am grateful that my Councilman, Bill Hollander, and Councilwoman Barbara Sexton Smith recognized the need to make recommendations for the future land uses for the properties along this important Irish Hill corridor. As a resident on the Lexington Road corridor, it is exciting to have the opportunity to build upon and update the work of the neighborhood plan. The land use study allows the residents to address the 9 major goals of the plan in which one is to encourage the down-sizing of industrial activities and the corresponding redevelopment of industrial districts to uses more compatible with the neighborhood's residential core.

Being a resident living on Lexington Road in Irish Hill is a little like being the proverbial "red-headed step child" of the neighborhood. The residential properties are fewer than in the "good" part of the neighborhood up on the hill and are located between properties zoned EZ1, M2 and M3. The slaughter house that was adjacent to my home where trucks carrying cow hides leaked blood down Lexington Road when leaving is now a business that has much less impact on the neighborhood. The heavy industrial scrap yard businesses to the east of my home are no longer in operation and flying metal from the semi-trucks that sped down Lexington Road is not a concern as I work on my garden in the front yard or try to pull out of my driveway. The quality of life and safety for the residents on Lexington Road has greatly increased since these industrial sights are no longer in existence. This is exactly why the land use study and downzoning is needed for the corridor. The goals in the 2002 Neighborhood Plan of improving the cleanliness, air quality, appearance and safety of the neighborhood, improving the appearance, environmental quality, and public enjoyment of the Beargrass Creek, making streets and sidewalks safer and more accessible to residents and improving traffic safety within the neighborhood and significantly reducing speeding on neighborhood streets are still relevant today.

I urge the Planning Commission to unanimously vote for the recommendation of the Planned Development District (PDD) zoning designation for the properties within the study area. In support of the Beargrass Creek Trail Plan and the Lexington Road Safety Project, I encourage the Louisville Metro Council and the Dept. of Planning and Design to expeditiously carry out the recommendations in the Irish Hill Neighborhood Plan Update.

Sincerely,
Lisa M. Dettlinger
1305 Lexington Road
Louisville, KY 40204

Baker, Kendal

From: Brian Evans <bevans@cityscaperesidential.com>
Sent: Thursday, July 6, 2017 9:14 AM
To: Baker, Kendal
Cc: Patti Clare; maria.scheitz@gmail.com; Lappin, Brian (RMR) (Brian.Lappin@rmrecycling.com); John Grantz (john@productionsimple.com); DDettli210@gmail.com; Alison@commonwealththeatre.org; Isantos@twc.com; Chandler & Mickie Bainter (bainterjr@gmail.com); Robinson, Christa; King, Michael M; Ethridge, Kyle; Tom Stephens (toms@centerforneighborhoods.org); jessb (jessb@centerforneighborhoods.org); jackief@centerforneighborhoods.org; Hollander, Bill H.; Sexton Smith, Barbara; Swintosky, John
Subject: RE: Irish Hill Planning Commission Meeting and Draft Plan Update

Mr. Baker,

As a member of the Advisory Committee, I would like to voice my support for the recommendations within the Irish Hill Neighborhood Plan Update. I believe the Plan Update builds upon the goals of the original Irish Hill Neighborhood Plan adopted in 2002. Irish Hill is a neighborhood transitioning back to a core traditional neighborhood. This Plan Update, along with the Lexington Road Safety Project, are key component of that transition and will guide the neighborhoods land use policies. The downzoning of heavy industrial properties was a goal of the first Plan and is a key goal of the Update. This will continue to encourage economic redevelopment of the neighborhood to uses that are compatible with the historic residential fabric of the neighborhood.

I encourage the Planning Commission to unanimously recommend to the Metro Council the passage of this Plan Update. I would also recommend the Metro Council direct the Department of Planning and Design Services to immediately begin an area wide rezoning to implement the recommendations of the Update.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Brian Evans, PE
Associate, Development & Construction

Cityscape Residential
Mobile: (502) 528-1798

Baker, Kendal

From: John Grantz <john@productionsimple.com>
Sent: Wednesday, July 5, 2017 6:19 PM
To: Maria Scheitz
Cc: DDettli210@gmail.com; Alison@commonwealththeatre.org; lsantos@twc.com; Chandler & Mickie Bainter (bainterjr@gmail.com); bevans@cityscaperesidential.com; Robinson, Christa; Baker, Kendal; King, Michael M; Ethridge, Kyle; Tom Stephens (toms@centerforneighborhoods.org); jessb (jessb@centerforneighborhoods.org); jackief@centerforneighborhoods.org; Hollander, Bill H.; Sexton Smith, Barbara; Swintosky, John; Patti Clare; maria.scheitz@gmail.com; Ray Schuhmann; Billy Hardison; Joe Argabrite; andyblieden@aol.com
Subject: Re: Irish Hill Planning Commission Meeting and Draft Plan Update

Because of travel demands and short notice of these meetings I want to state my position via email .

As a member of the Advisory Committee appointed by Mayor Fisher to the Lexington Road Neighborhood Plan Update, Here is my position -

- I Support the recommendations of the Advisory Committee for future land uses and down-zoning for the properties located along the Lexington Road corridor. This includes the down-zoning of the River Metals property at 1371 Lexington Road.
- River Metals' owners have a contract with a cement plant company and if the Planning Commission approves the Advisory groups recommendations to the Irish Hill Neighborhood Plan, then the land would no longer be zoned properly for a cement plant.
- Repurpose the land as the keystone site for a recreational path, stream restoration and other amenities for both neighbors and path users.
- Such a facility is not compatible with the new bike study and the new residential units.
- The narrowing of Lexington and the slowing of traffic makes this use not conducive .
- Sharing the road with more industrial trucks is a safety hazard for area cyclists and pedestrians.
- M-3 zoning is not compatible for the riparian area of Beargass Creek at the confluence of the Middle and South Forks.

- In the development of the River Metals property, ensure that an easement is created that protects and enhances the riparian area of the creek and that the developer agrees to build the section of the proposed trail while granting full public access.

- I believe that the road access on Lexington will be more dangerous again is not a viable option after I understood the level of trucks required both in raw materials required and the number of daily runs required for each of the trucks to make the project economically feasible .

John Grantz
Advisory Committee ,
502 489-2159 .
584-8018 fax

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On Wed, Jul 5, 2017 at 12:25 PM, Maria Scheitz <maria.scheitz@neel-schaffer.com> wrote:

This message contains attachments delivered via ShareFile.

- Executive Summary Edited Version.pdf (5 MB)
- Irish Hill Neighborhood Plan Update - edited7-3.pdf (11.8 MB)

Download the attachments by [clicking here](#).

Good Afternoon,

As noted in the planning process, the Planning Commission will take up the recommendations of the Irish Hill Neighborhood Plan Update/Lexington Road Land Use Study tomorrow, July 6, 2017 at 1:00 PM at the Old Jail Building Auditorium, 514 West Liberty Street.

Baker, Kendal

From: Shaffery, Dan <Daniel.Shaffery@kindred.com>
Sent: Thursday, July 6, 2017 11:16 AM
To: Baker, Kendal
Cc: Shaffery, Dan
Subject: Unable to attend 1PM meeting today

Importance: High

But I am a concerned Irish Hill Resident who **DOES NOT** want to see a cement plant in our backyard or the traffic it will cause on Lexington and Payne with **BIG** trucks.

When if they must build it then if they pay for the right of way to CSX they can connect to I-64, and spare the neighborhood of the dangerous and dirty traffic at least?

Please let me know if my neighbors and I can do any more to stop this from becoming reality, as we already have to deal with the smell of the meat packing plant and I suspect once we let the cement plant in we will be unable to fine them enough or complain enough to make them comply!

As is the case with the JBS Swift plant!?

Thanks for your time and I look forward to your response.

Regards,

Dan Shaffery

Senior Systems Programmer
Kindred Healthcare, Inc.
Mid-Range Systems
IS Unix Support
Office: 502-596-6246



Baker, Kendal

From: Adam Schweiss <aschweiss@gmail.com>
Sent: Thursday, July 6, 2017 9:29 AM
To: Baker, Kendal
Subject: Planning Commission (River Metals Concrete Plant)

To Whom It May Concern:

I am opposed to the building of a concrete plant on Lexington Road, next to Axis Apartments. It does not fit what this area is becoming, which is a dense urban population center with mixed use developments, not industrial. The current developments of the former Mercy Academy and Phoenix Hill sites, along with Axis Apartments, do not match with this development. There are also plans to insert bike lanes on Lexington Road. Are cyclists going to use these lanes if there's concrete trucks tearing up the road and being a general hazard? I wouldn't think so. That would make the project a waste of taxpayer money.

Thank you,
Adam Schweiss

Sent from my iPhone

Baker, Kendal

From: Evan Holladay <evanholladay@gmail.com>
Sent: Thursday, July 6, 2017 11:35 AM
To: Baker, Kendal
Subject: Planning Commission

In regard to the River Metals property, please do not allow a cement plant or any other industrial or "light industrial" uses at this site.

Please see the below email I sent to Councilman Bill Hollander on the matter:

Thank you for all of your work! I really enjoy listening to you speak at our neighborhood functions.

I wanted to email you in regard to the proposed Concrete mixing plant on Lexington Road. If this development were to move forward, I think it would go against everything we are striving for in Irish Hill and in Louisville in general.

In Irish Hill and nearby neighborhoods close to downtown, we as citizens and the city have been pushing for more walkability and overall livability toward our urban core. That is what brought my girlfriend and I to buy our first home in Irish Hill a little over 7 months ago. We wanted to be able to walk to shops, parks, restaurants and bars. We want to be close to amenities and be proud of where we will.

This concrete mixing plant would go against all of the livability that we are striving for and would be a detriment to all parts of our neighborhood. This large parcel near downtown, speaking as a large-scale new construction apartment developer, is a prime location for many opportunities to better our city and make it more desirable for neighbors and visitors alike. This could be a retail center, a mixed use center with retail and potential residential, a mixed income facility, an office space, somewhere for residents to interact better with Beargrass Creek - the possibilities are endless. A concrete mixing plant will bring a huge eye sore, air pollution, noise pollution, heavy industrial traffic, a lowering of property values - all within earshot of an elementary school, two parks, and directly next to where people live day in and day out.

Concrete mixing plants are a needed part of any growing economy, but this is not at all the place to put one and reverse all the progress that has been made in Irish Hill and our urban core.

Thank you,
Evan Holladay

--
Thanks,
Evan Holladay
859-307-8652



300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

T. BRUCE SIMPSON, JR.
DIRECT DIAL: (859) 231-3621
DIRECT FAX: (859) 259-3521
bruce.simpson@skofirm.com

June 29, 2017

Via Hand-Delivery

Mr. Donnie Blake, Chairperson
Louisville Metro Planning Commission
c/o Kendal R. Baker, AICP
Planning Manager, Advanced Planning
Develop Louisville
LOUISVILLE FORWARD
Metro Development Center
444 South Fifth Street
Louisville, Kentucky 40202

RE: Proposed Irish Hill Neighborhood Amendment To The Comprehensive Plan/
1371 Lexington Road

Dear Chairperson Blake,

I represent Smyrna Ready Mix Concrete, LLC, which has a contract to purchase the property owned by River Metals Recycling, LLC, located at 1371 Lexington Road. We filed a development plan for this property on April 13, 2017, for the purpose of constructing a clean energy concrete plant on that portion of the property north of Beargrass Creek, close to the existing railroad tracks and other industrial uses. On the southern portion of this property, Smyrna proposes to construct mini warehouses and proposes to reserve two out lots (.8 acre and 1.0 acre) along Lexington Road for compatible nonresidential uses. Please see Exhibit 1, attached hereto which is a copy of the filed development plan. This proposed development scenario will generate much less traffic into the neighborhood than the uses recommended by the

Mr. Donnie Blake, Chairperson

June 29, 2017

Page 2

staff in the proposed amendment to the Comprehensive Plan. In addition, this proposed concrete plant will be located at least 350 feet away from the Axis Apartments on Lexington Rd and 750 feet away from the nearest single family house on Lexington Rd.

The concrete plant that would be built on this site is totally different from any of the concrete plants in Jefferson County. It is a state of the art facility. Smyrna's concrete trucks will be loaded via a closed container which captures dust and recycles it for further concrete mixing. The entire ground area of plant operations is constructed on concrete paving which is cleaned and swept by assigned staff throughout the day. This plant will be nuisance free. In contrast, the vast majority of other concrete plants are maintained on a gravel base and do not have any dust capturing equipment. The Smyrna concrete trucks will be cleaned and washed each time they return to the plant and before they are allowed to traverse onto the public streets. All water used to wash the trucks as well as stormwater captured on the site will be recycled into concrete mixing operations thereby significantly reducing stormwater runoff into Beargrass Creek. Finally, this new concrete plant will have built in noise reduction features which reduce the noise level to such an extent that it can only be heard if one is in close proximity to it. It is all electric.

Smyrna Ready Mix Concrete has a concrete plant in downtown Nashville, Tennessee which is much larger and older than the one proposed for Lexington Road. This plant is so well maintained that several multimillion dollar high quality residential developments are under construction or already built next to this plant. Moreover, this concrete plant has been in operation for several decades. However, after observing the plant's operations under Smyrna's ownership, the real estate development community determined that this plant operated in such a compatible manner with urban residential uses that they began constructing high rise residential communities around the plant. Please see the photographs in Exhibit 2, attached hereto, of the existing condominiums (priced at \$300,000 or more) and apartments being constructed. These photographs also depict one of Nashville's important public walking and bike trails located next to the plant.

The property located at 1371 Lexington Road is beset with many challenges that have deterred development for years. First this property is bisected by Beargrass Creek which makes it extremely difficult to create a unified development. Secondly, the existing bridge across Beargrass Creek is substandard. In times of certain rain storm events, this bridge gets blocked with debris that causes flooding to more than 20 properties upstream. Third, the site has certain environmental problems that will have to be mitigated before any development can occur. No residential development will be allowed on this property. Because of these constraints, the redevelopment costs for this property are exceptionally high.

Smyrna Ready Mix Concrete will create a low impact development that will be compatible with the other uses in the neighborhood. This development will be governed by performance standards. Smyrna will dedicate a 100 foot wide public access easement along Beargrass Creek consistent with the recommendations set out in the Beargrass Creek Trail Plan. The environmental issues on this property will be resolved. A new bridge will be built across

Mr. Donnie Blake, Chairperson

June 29, 2017

Page 3

Beargrass Creek that will remedy long festering flooding problems. Finally, Smyrna has a long history of being an active contributor to each community in which it does business. Ten percent of the profits from each plant are dedicated to local community service activities, public schools and other charitable organizations.

Regrettably, the proposed amendments to the Comprehensive Plan seek to eliminate the existing uses for 1371 Lexington Road property. We have voiced our objections to the Metro Planning staff. We firmly believe that the land uses as proposed herein will allow this long vacant property to be developed in a manner that will enhance the Irish Hill Neighborhood. Accordingly, we respectfully request that appropriate modifications be made to the proposed amendments to the Comprehensive Plan.

Very truly yours,

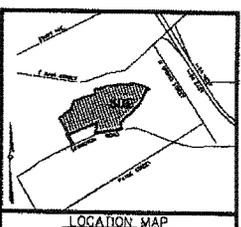
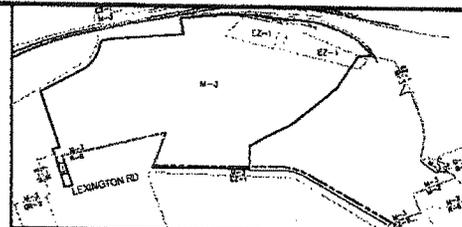
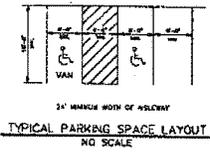
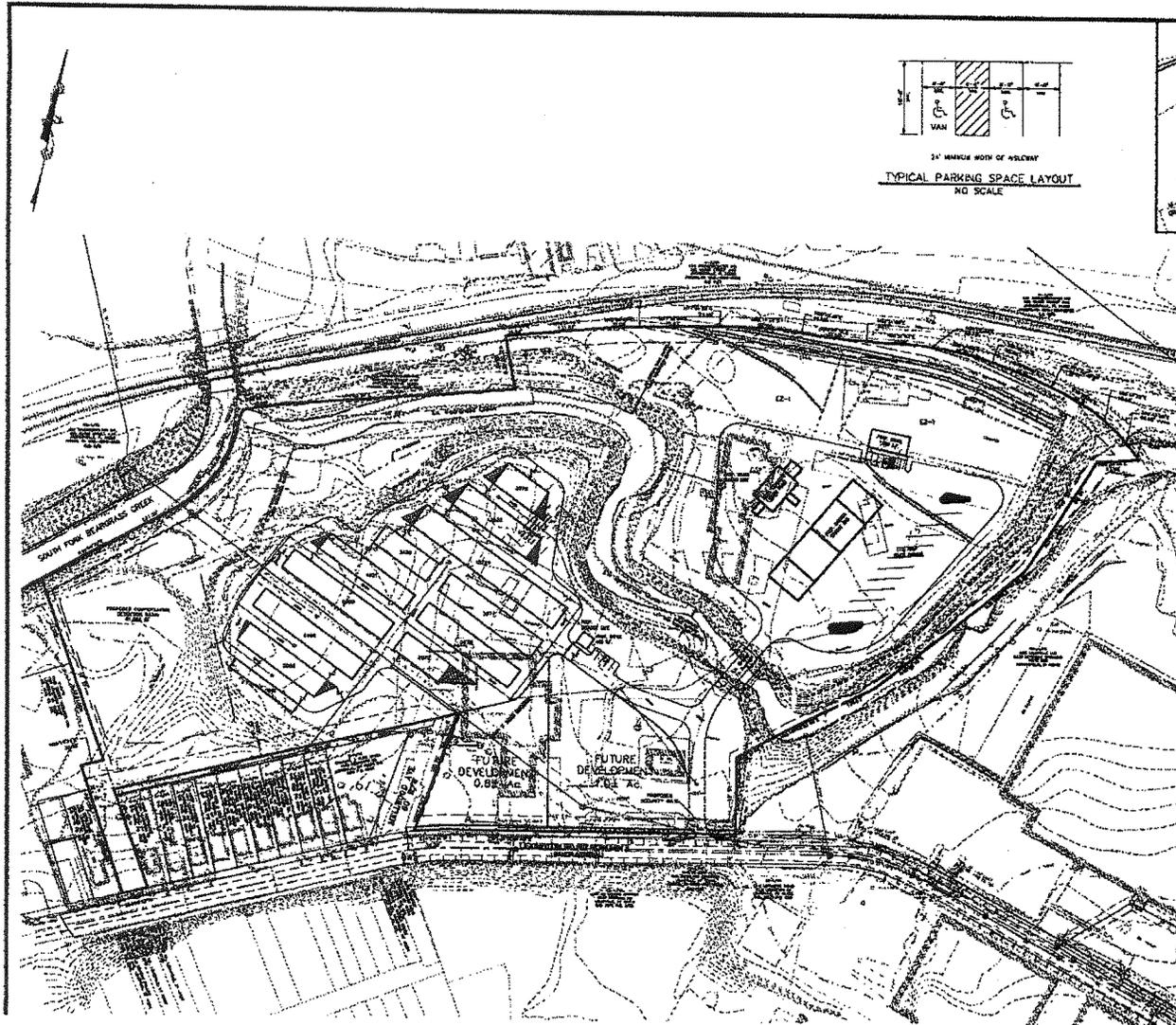


T. Bruce Simpson, Jr.

Enclosures

Cc: Members of the Louisville Metro
Planning Commission

120856.157094/4652530.1



PROJECT DATA

| | |
|-----------------------|--|
| TOTAL SITE AREA | = 40.44 ACRES |
| MIN STORAGE AREA | = 4.52 ACRES |
| CONCRETE PLANT AREA | = 2.75 ACRES |
| OPEN SPACE AREA | = 1.82 ACRES |
| DEVELOPMENT AREA | = 1.82 ACRES |
| EXISTING ZONING | = R-7 |
| PLANNED ZONING | = M-3 |
| PLANNED USE | = MANUFACTURING AND CONCRETE PLANT |
| MINI-WAREHOUSE | = 42,241 S.F. |
| CONCRETE PLANT OFFICE | = 400 S.F. |
| CONCRETE PLANT OFFICE | = 1,400 S.F. |
| TOTAL BUILDING AREA | = 43,041 S.F. |
| WALKING HIGHWAY | = 0' |
| VEHICULAR USE AREA | = 272,079 S.F. |
| REQUIRED L.A. | = NONE REQUIRED BY LDC SECTION 14.2.12 |
| PARKING REQUIREMENTS | = 11 SPACES |
| CONCRETE PLANT | = 8 SPACES |
| 1 SPACE/A EMPLOYEE | = 8 SPACES |
| MINI-WAREHOUSE | = 2 SPACES |
| 1 SPACE/A EMPLOYEE | = 2 SPACES |
| PARKING PROVIDED | = 11 SPACES |

- GENERAL NOTES**
1. Drive lanes to be a hard top surface.
 2. Erosion & Silt Control. Prior to any construction activities on the site a Erosion & Silt Control Plan shall be prepared to MSD for approval.
 3. Construction fencing shall be erected prior to any construction or grading activities preventing completion of most systems of users to be preserved. The fencing shall enclose the area beneath the diplole of the tree canopy and shall remain in place. No storage, material storage, or construction activities shall be permitted within the fenced area.
 4. All structures and storage structures to be preserved per Chapter 10.
 5. All lighting on the site prior to ground disturbance shall have been submitted, reviewed, approved, and installed.
 6. Construction plan, bond, and permit are required by Metro Public Works prior to construction approval.
 7. Any size of flood plain storage to be compensated at 1:1 on site. Increased runoff shall be compensated at 1:1 on site.
 8. Site subject to MSD flood plain regulation.
 9. Drains located on lotlines shall be maintained at construction to verify there is adequate protection of all utility pipes.
 10. Landmark Road Sign-off by definition by Ord or Major Plat will be recorded prior to Metro Works Construction Plan approval.
 11. Mitigation measures to dust control shall be in place during construction to prevent fugitive particulate emissions from existing access roads and right-of-ways.
 12. Computed utilities shall be placed in a common trench unless otherwise required by appropriate agencies.

- MSD NOTES:**
1. Sanitary sewer service will be provided by lateral extension and subject to applicable fees.
 2. A portion of the site is within the 100 year flood plain Zone AE per FEMA Map No. 21111 C 0038 E dated December 5, 2006.
 3. Drainage pattern depicted by arrows (→) is for conceptual purposes. Final configuration and size of drainage pipes and channels shall be determined during the construction plan design process. Drainage facilities shall conform to MSD requirements.
 4. A Downstream Facilities Capacity Request will be submitted to MSD prior to plan approval.
 5. The final design of this project must meet all MS4 water quality regulations established by MSD. Site layout may change on the design phase due to proper sizing of Green Best Management Practices.
 6. Erosion & Silt Control shown is conceptual only, and final design will be determined on construction plan.
 7. Prior to any construction activities on the site a Erosion & Silt Control Plan shall be prepared to MSD for approval.
 8. On-site detention will be provided. Post-development peak flows will be limited to pre-development peak flows for the 2, 10, 25, and 100-year storms or to the capacity of the detention system, whichever is more restrictive.
 9. MSD drainage bond required prior to construction plan approval.

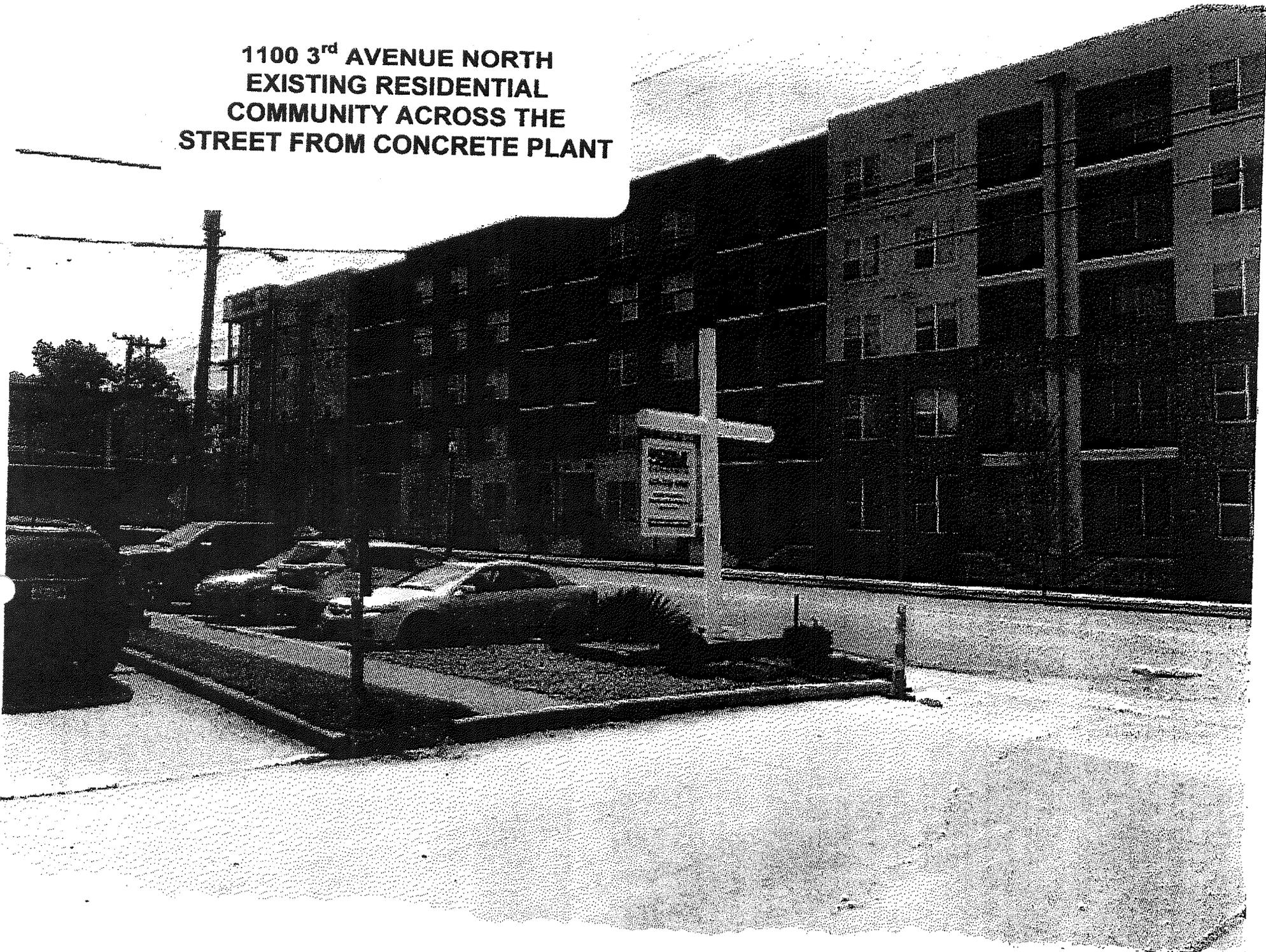
TREE CANOPY CALCULATIONS

| | |
|--------------------------------------|----------------------------|
| TOTAL TREE AREA | = 1,134,686 S.F. |
| EXISTING TREE CANOPY | = 336,488 S.F. (29%) |
| TOTAL TREE CANOPY REQUIRED | = 798,198 S.F. |
| EXISTING TREE CANOPY TO BE PRESERVED | = 66,735 S.F. MINIMUM (5%) |

READY MIX CONCRETE

EXHIBIT I

**1100 3rd AVENUE NORTH
EXISTING RESIDENTIAL
COMMUNITY ACROSS THE
STREET FROM CONCRETE PLANT**



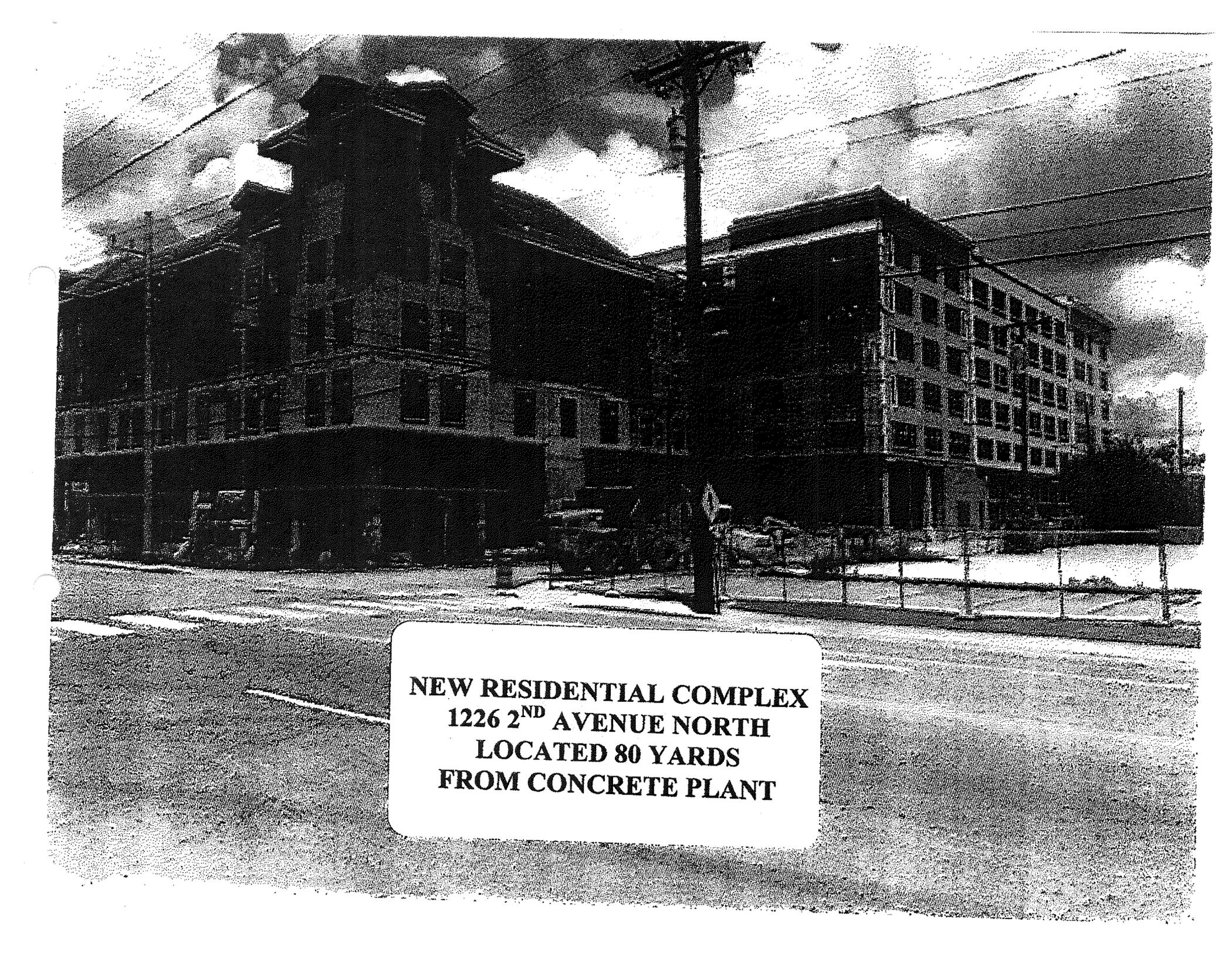
**RESIDENTIAL UNITS
UNDER CONSTRUCTION
NEXT TO CONCRETE PLANT**

EXHIBIT 2

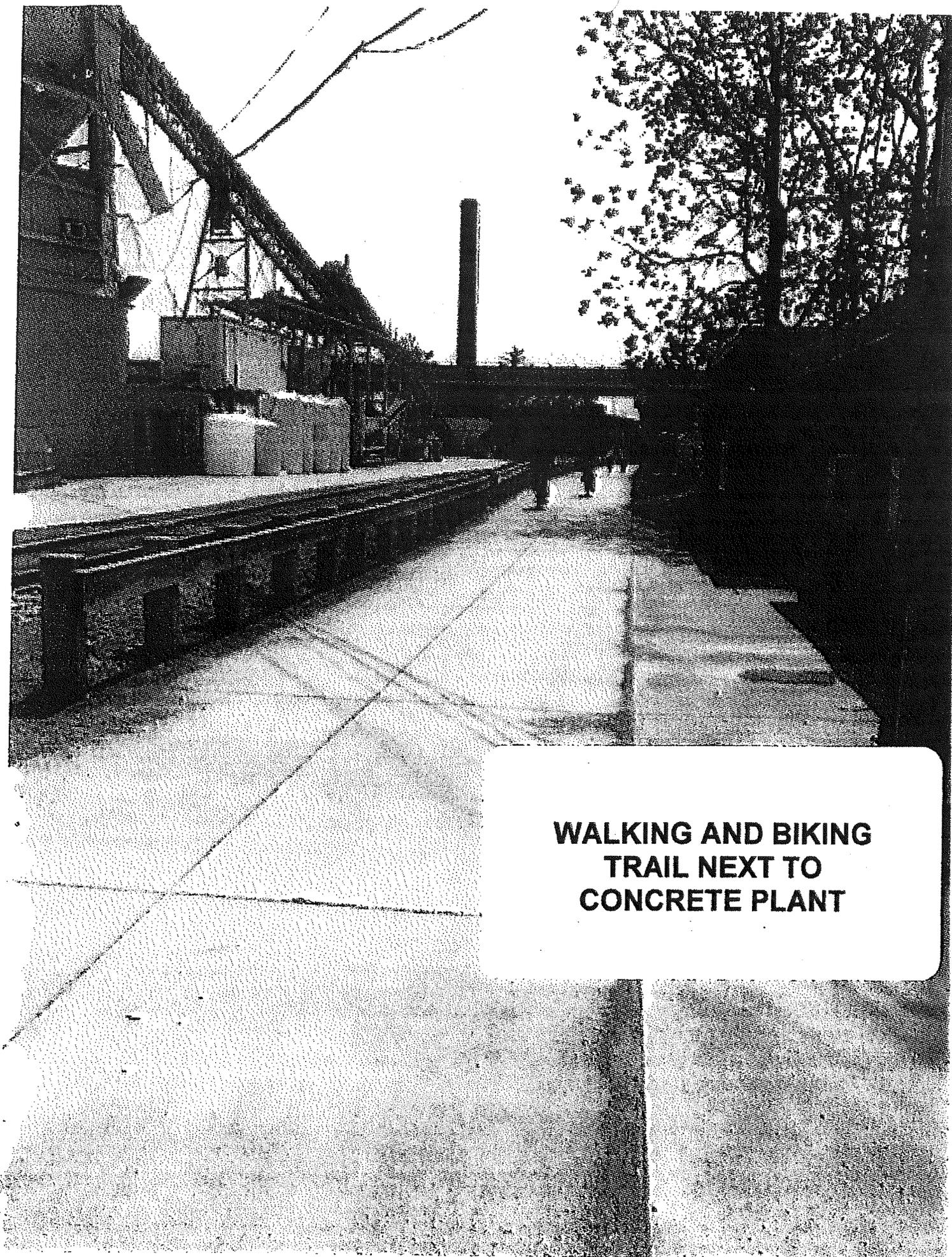


**200 MADISON STREET
NEW RESIDENTIAL COMPLEX
UNDER CONSTRUCTION
ACROSS FROM CONCRETE
PLANT**





**NEW RESIDENTIAL COMPLEX
1226 2ND AVENUE NORTH
LOCATED 80 YARDS
FROM CONCRETE PLANT**



**WALKING AND BIKING
TRAIL NEXT TO
CONCRETE PLANT**



334 Beechwood Road, Suite 401
Fr. Mitchell, KY 41017
859-292-8400 office
859-292-8495 fax
June 29, 2017

The Members of the Planning Committee of the
Louisville Metro Planning Commission
c/o Kendal Baker, AICP
Louisville Division of Planning and Design Services
444 South Fifth Street, 3rd Floor
Louisville, Kentucky 40202

Re: Irish Hill Neighborhood Plan Update/Lexington Road
Land Use and Zoning Study

Dear Members of the Planning Committee:

I am Brian Lappin, the Vice President of Finance of River Metals Recycling, LLC ("River Metals" or "RMR"), and RMR's representative on the Advisory Committee of the Irish Hill Neighborhood Plan Update/Lexington Road Land Use Study. River Metals is the owner of a 20 (+/-) acre property at 1371 Lexington Road (the "Property" or "RMR Property"), which is, by far, the largest single property in the study area.

Since purchasing the Property in 1998, RMR has strived to be a good corporate citizen in the Irish Hill neighborhood. Prior to RMR's ownership, the Property had operated as a scrap yard for more than 70 years. By 2001 RMR removed all operations from the site and razed all structures related to the prior scrap operation. Since then RMR has worked to find a purchaser who would develop the Property in an environmentally sensitive way.

Though the Property is currently vacant, in 2005 a mixed-use development with neighborhood and community-serving businesses and greenspace was proposed for the site. That proposal was consistent with the 2002 Irish Hill Neighborhood Plan and offered access to Beargrass Creek; however, the project was opposed by neighbors until it was finally abandoned as a result of the 2008 economic downturn.

At the conclusion of this re-development attempt, the Louisville Metropolitan Sewer District ("MSD") stated its interest in the Property as a location for a CSO basin, creating a significant roadblock to development for nearly eight years. After failing to offer fair market value for the Property, MSD chose another location for its project.

Following MSD's release of the Property, RMR marketed the Property and found a buyer in Smyrna Ready Mix Concrete, LLC ("Smyrna"), a Tennessee corporation with an exemplary environmental and safety record. The current moratorium quickly followed, providing a direct and indisputable connection between the moratorium and the contract on the Property.

Despite the timing of the moratorium and the initiation of the land development study, River Metals agreed to participate in the planning process (i.e., the Irish Hill Neighborhood Plan Update); however, we became distressed by the hurried pace of the process in which we have been involved. This planning process for determining the "most appropriate uses" for the study area began on June 6 with the first Advisory Group meeting, and ended on June 20 with the last Advisory Group meeting. That's 3 meetings in 14 days, in which post-it notes and sticky dots were utilized to determine the "best" use for each property in the study area. A wrap up meeting held on June 24 served only to report out the "consensus" as interpreted by the consultants and planning staff. Due to the hurried nature of the planning process and insufficient notice to RMR of the meeting schedule, I was personally able to attend only two of the four meetings. My concerns increased when the information collected in those three meetings was interpreted without the input of the Advisory Committee.

It remains unclear how the exercises in which the Advisory Committee and neighbors engaged resulted in the land use recommendations for the RMR site. My request to discuss that issue was ignored. Of particular concern is that the process did not include a market feasibility study to determine which land uses would have the highest likelihood of being commercially successful. The likelihood of success of the permitted, limited and conditional uses as applied to the RMR property in the "Large Scale Redevelopment Sub Area Land Use Table" is simply not supported by more than 15 years of our efforts to market the Property. The resulting conclusions of the Land Use Study effectively deprives RMR of the ability to develop the Property.

With the Advisory Group consisting of a disproportionate number of residents, the study was basically a neighborhood referendum on which land uses were favored by the residential neighbors without regard to the investment RMR has in its property. As a result, it appears that the outcome with regard to the RMR property was predetermined. Assuming the proposed zoning designations are approved, RMR will be deprived not only of the benefit of its pre-moratorium contract with Smyrna, but will also suffer the future reduced marketability of the Property.

In conclusion, RMR asks for two considerations from the Planning Committee:

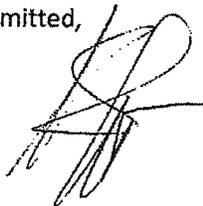
1. Objectively review the Smyrna development plan filed prior to the enactment of the moratorium against the standards that existed at the time, as this plan already includes numerous development elements addressed the 2002 Irish Hill Neighborhood Plan by downsizing industrial activities, retaining the Beargrass Creek corridor, and converting the heaviest use industrial sites to light and clean industrial and commercial use; and,

2. Modify the recommended PDD zoning to remove the limitation of M-1 uses, and permit all clean industrial uses in accordance with the existing 2002 Irish Hill Neighborhood Plan, including uses permitted in the M-3 Industrial District, with reasonable performance standards

We appreciate your attention to this matter

Respectfully Submitted,

Brian S. Lappin





300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

T. BRUCE SIMPSON, JR.
DIRECT DIAL: (859) 231-3621
DIRECT FAX: (859) 259-3521
bruce.simpson@skofirm.com

June 29, 2017

Via Hand-Delivery

Mr. Donnie Blake, Chairperson
Louisville Metro Planning Commission
c/o Kendal R. Baker, AICP
Planning Manager, Advanced Planning
Develop Louisville
LOUISVILLE FORWARD
Metro Development Center
444 South Fifth Street
Louisville, Kentucky 40202

RE: Proposed Irish Hill Neighborhood Amendment To The Comprehensive Plan/
1371 Lexington Road

Dear Chairperson Blake,

I represent Smyrna Ready Mix Concrete, LLC, which has a contract to purchase the property owned by River Metals Recycling, LLC, located at 1371 Lexington Road. We filed a development plan for this property on April 13, 2017, for the purpose of constructing a clean energy concrete plant on that portion of the property north of Beargrass Creek, close to the existing railroad tracks and other industrial uses. On the southern portion of this property, Smyrna proposes to construct mini warehouses and proposes to reserve two out lots (.8 acre and 1.0 acre) along Lexington Road for compatible nonresidential uses. Please see Exhibit 1, attached hereto which is a copy of the filed development plan. This proposed development scenario will generate much less traffic into the neighborhood than the uses recommended by the

staff in the proposed amendment to the Comprehensive Plan. In addition, this proposed concrete plant will be located at least 350 feet away from the Axis Apartments on Lexington Rd and 750 feet away from the nearest single family house on Lexington Rd.

The concrete plant that would be built on this site is totally different from any of the concrete plants in Jefferson County. It is a state of the art facility. Smyrna's concrete trucks will be loaded via a closed container which captures dust and recycles it for further concrete mixing. The entire ground area of plant operations is constructed on concrete paving which is cleaned and swept by assigned staff throughout the day. This plant will be nuisance free. In contrast, the vast majority of other concrete plants are maintained on a gravel base and do not have any dust capturing equipment. The Smyrna concrete trucks will be cleaned and washed each time they return to the plant and before they are allowed to traverse onto the public streets. All water used to wash the trucks as well as stormwater captured on the site will be recycled into concrete mixing operations thereby significantly reducing stormwater runoff into Beargrass Creek. Finally, this new concrete plant will have built in noise reduction features which reduce the noise level to such an extent that it can only be heard if one is in close proximity to it. It is all electric.

Smyrna Ready Mix Concrete has a concrete plant in downtown Nashville, Tennessee which is much larger and older than the one proposed for Lexington Road. This plant is so well maintained that several multimillion dollar high quality residential developments are under construction or already built next to this plant. Moreover, this concrete plant has been in operation for several decades. However, after observing the plant's operations under Smyrna's ownership, the real estate development community determined that this plant operated in such a compatible manner with urban residential uses that they began constructing high rise residential communities around the plant. Please see the photographs in Exhibit 2, attached hereto, of the existing condominiums (priced at \$300,000 or more) and apartments being constructed. These photographs also depict one of Nashville's important public walking and bike trails located next to the plant.

The property located at 1371 Lexington Road is beset with many challenges that have deterred development for years. First this property is bisected by Beargrass Creek which makes it extremely difficult to create a unified development. Secondly, the existing bridge across Beargrass Creek is substandard. In times of certain rain storm events, this bridge gets blocked with debris that causes flooding to more than 20 properties upstream. Third, the site has certain environmental problems that will have to be mitigated before any development can occur. No residential development will be allowed on this property. Because of these constraints, the redevelopment costs for this property are exceptionally high.

Smyrna Ready Mix Concrete will create a low impact development that will be compatible with the other uses in the neighborhood. This development will be governed by performance standards. Smyrna will dedicate a 100 foot wide public access easement along Beargrass Creek consistent with the recommendations set out in the Beargrass Creek Trail Plan. The environmental issues on this property will be resolved. A new bridge will be built across

Mr. Donnie Blake, Chairperson
June 29, 2017
Page 3

Beargrass Creek that will remedy long festering flooding problems. Finally, Smyrna has a long history of being an active contributor to each community in which it does business. Ten percent of the profits from each plant are dedicated to local community service activities, public schools and other charitable organizations.

Regrettably, the proposed amendments to the Comprehensive Plan seek to eliminate the existing uses for 1371 Lexington Road property. We have voiced our objections to the Metro Planning staff. We firmly believe that the land uses as proposed herein will allow this long vacant property to be developed in a manner that will enhance the Irish Hill Neighborhood. Accordingly, we respectfully request that appropriate modifications be made to the proposed amendments to the Comprehensive Plan.

Very truly yours,

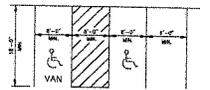


T. Bruce Simpson, Jr.

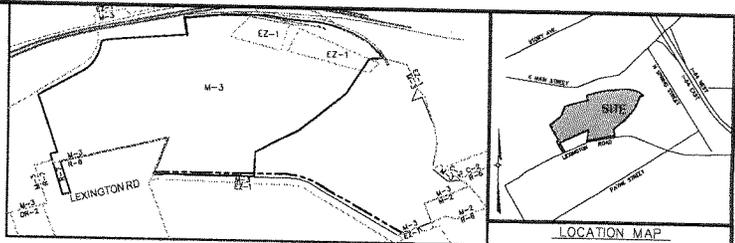
Enclosures

Cc: Members of the Louisville Metro
Planning Commission

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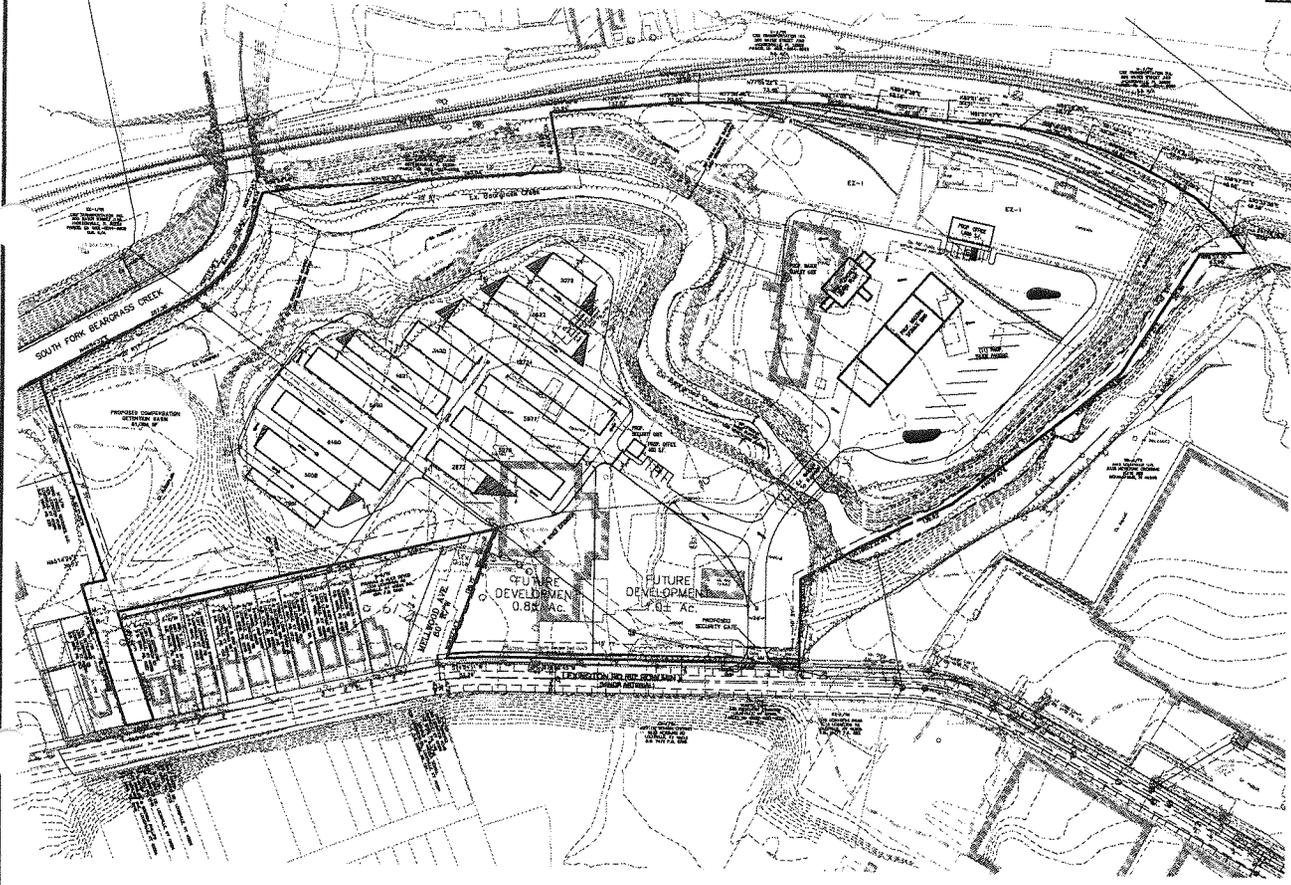


TYPICAL PARKING SPACE LAYOUT
NO SCALE



EX. ZONING MAP
NOT TO SCALE

LOCATION MAP
NOT TO SCALE



PROJECT DATA

| | |
|-------------------------|--|
| TOTAL SITE AREA | = 29.34 ACRES |
| MINI STORAGE AREA | = 8.58 ACRES |
| CONCRETE PLANT AREA | = 2.74 ACRES |
| OPEN SPACE AREA | = 8.33 ACRES |
| FUTURE DEVELOPMENT AREA | = 1.88 ACRES |
| EXISTING ZONING | = M-3, R-7 |
| FORMA DISTRICT | = TRADITIONAL NEIGHBORHOOD |
| EXISTING USE | = VACANT RECYCLING |
| PROPOSED USE | = MINI WAREHOUSE AND CONCRETE PLANT |
| BUILDING AREA | = 62,811 S.F. |
| MINI-WAREHOUSE | = 400 S.F. |
| MINI-WAREHOUSE OFFICE | = 1,200 S.F. |
| CONCRETE PLANT OFFICE | = 64,911 S.F. |
| TOTAL BUILDING AREA | = 66,511 S.F. |
| BUILDING HEIGHT | = 12' |
| F.A.R. | = 0.05 (M-3 - 4.0 MAX.) (R-7 - 5.0 MAX.) |
| VEHICULAR USE AREA | = 272,076 S.F. |
| REQUIRED P.A. | = NONE REQUIRED BY LOC SECTION 10.2.12 |
| PARKING REQUIREMENTS | |
| CONCRETE PLANT | |
| 1SPACE/1.5 EMPLOYEES | = 6 SPACES |
| 1SPACE/1 EMPLOYEE | = 9 SPACES |
| MINI-WAREHOUSE | |
| 1SPACE/1.5 EMPLOYEES | = 2 SPACES |
| 1SPACE/1 EMPLOYEE | = 9 SPACES |
| PARKING PROVIDED | = 11 SPACES |

- GENERAL NOTES**
- Drive lanes to be a hard and durable surface.
 - Erosion & Silt Control: Prior to any construction activities on the site an Erosion & Silt Control Plan must be provided to MSD for approval.
 - Construction fencing shall be erected prior to any construction or grading activities preventing compaction of road sections of trees to be preserved. The fencing shall enclose the area beyond the original of the tree canopy and shall remain in place. No pruning, material storage, or construction activities shall be permitted within the fenced area.
 - All dumpsters and service structures are to be screened per Chapter 10.
 - All lighting on the site shall be directed down and away from adjacent residential areas. Construction plan, hand, and permit are required by Metro Public Works prior to construction approval.
 - Any area of flood plain storage to be compensated at 1:1 on site. Increased runoff volume to be compensated at 1:1 on site.
 - Site subject to MSD Flood plain application.
 - Setback location on Lexington Road shall be determined at construction to verify there is adequate clearance at all utility poles.
 - Lexington Road Right-of-Way Elevation by Doss or Minor Plat will be recorded prior to Metro Works Construction Plan approval.
 - Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from roadways, existing roads and neighborhoods.
 - Compostable utilities shall be placed in a common trench unless otherwise required by appropriate agencies.

- MSD NOTES:**
- Sanitary sewer service will be provided by lateral extension and subject to applicable fees.
 - A portion of the site is within the 100 year flood plain Zone AE per FIRM Map No. 21111 C 0025 E dated December 5, 2006.
 - Drainage pattern depicted by arrows (=>) is for conceptual purposes. Final configuration and size of drainage pipes and channels shall be determined during the construction plan design process. Drainage facilities shall conform to MSD requirements.
 - A Downstream Facilities Capacity Request will be submitted to MSD prior to plan approval.
 - The final design of this project must meet all MSB water quality regulations established by MSD. Site layout may change at the design phase due to proper sizing of Green Best Management Practices.
 - Erosion & Silt Control shown in conceptual only, and final design will be determined on construction plans.
 - Prior to any construction activities on the site a Erosion & Silt Control Plan shall be provided to MSD for approval.
 - On-site detention will be provided. Post-development peak flows will be limited to pre-development peak flows for the 2, 10, 25, and 100-year storms or to the capacity of the downstream system, whichever is more restrictive.
 - MSD drainage band required prior to construction plan approval.

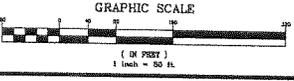
TREE CANOPY CALCULATIONS

| | |
|--------------------------------------|----------------------------|
| TOTAL SITE AREA | = 1,334,696 S.F. |
| EXISTING TREE CANOPY | = 336,425 S.F. (25%) |
| TOTAL TREE CANOPY REQUIRED | = 5X (66,735 S.F.) |
| EXISTING TREE CANOPY TO BE PRESERVED | = 66,735 S.F. MINIMUM (5%) |

READY MIX CONCRETE AND MINI STORAGE

REVISED DETAILED DISTRICT DEVELOPMENT PLAN

- LEGEND**
- PROPOSED STORM SEWER BATCH BASIN W/ INLET PROTECTION AND CHECKSTONE HEADWALL
 - PROPOSED SEWER AND MANHOLE
 - EXISTING TREE MASS
 - PROPOSED 75' STREAM BANK BUFFER
 - EXISTING FLOODWAY
 - EXISTING FLOOD PLAIN
 - EXISTING SEWER AND MANHOLE



| REVISIONS | | | |
|-----------|------|-------------|----|
| NO. | DATE | DESCRIPTION | BY |
| | | | |
| | | | |
| | | | |

SITE ADDRESS:
1971 LEXINGTON ROAD
LOUISVILLE, KY 40208
TAX BLOCK 0821, LOT 5
D.B. 76000, P.O. 658

DEVELOPER:
SMYRNA READY MIX, LLC
1106 SECOND AVENUE
NASHVILLE, TN 37203

OWNER:
RIVER METALS RECYCLING LLC
204 BEECHWOOD ROAD, SUITE 401
FOOT MICHILL, KY 41027-6086

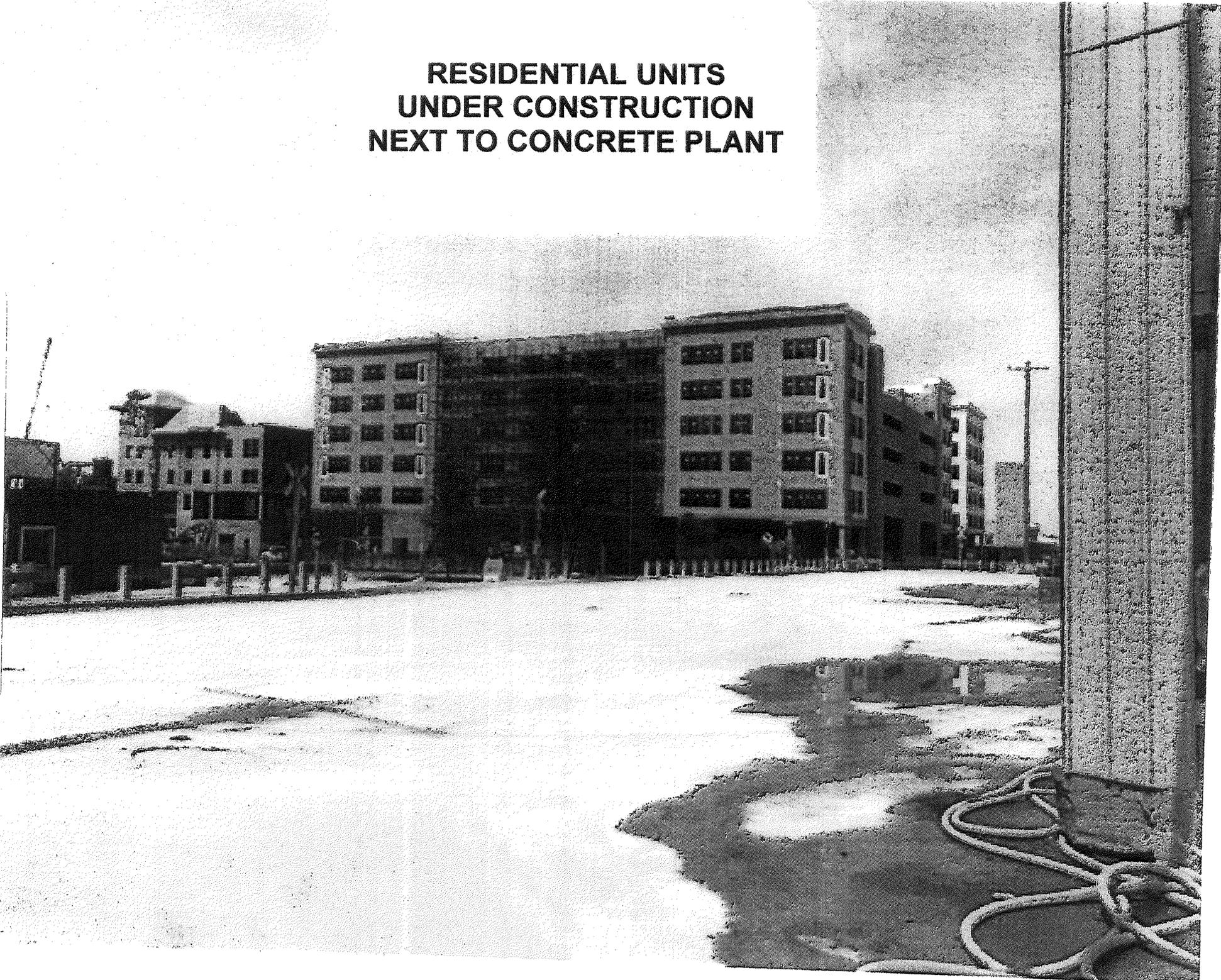
LAND DESIGN & DEVELOPMENT, INC.
503 WASHINGTON AVENUE, SUITE 101
LOUISVILLE, KENTUCKY 40202
PHONE: (502) 495-9374

JOB: 05108
DATE: 04-19-17
RELATED CASES # 4446,
08-38-08W, 08-28-90
44 1787

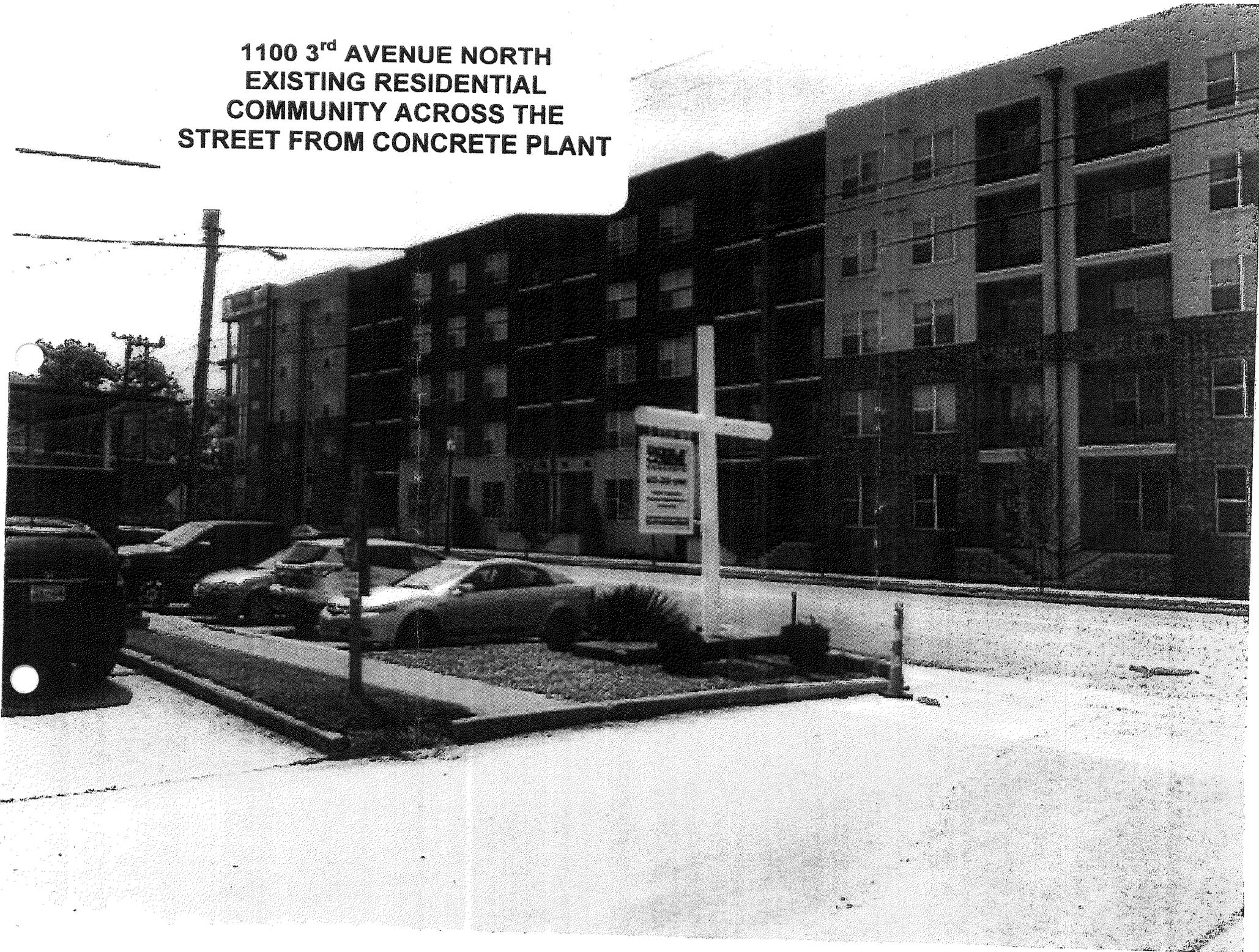
FIRE PROTECTION DISTRICT LOUISVILLE #44
COUNCIL DISTRICT 9

**RESIDENTIAL UNITS
UNDER CONSTRUCTION
NEXT TO CONCRETE PLANT**

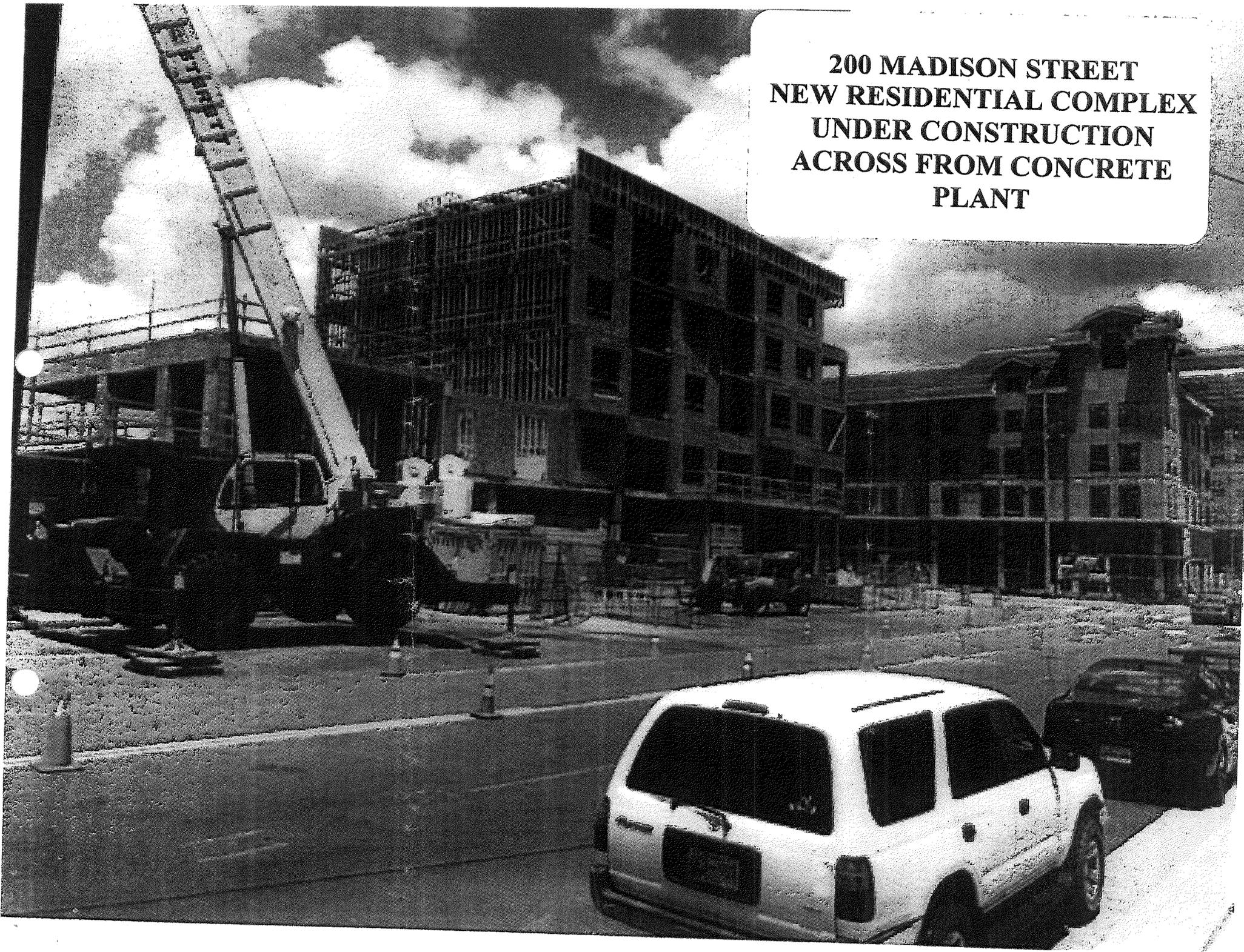
EXHIBIT 2

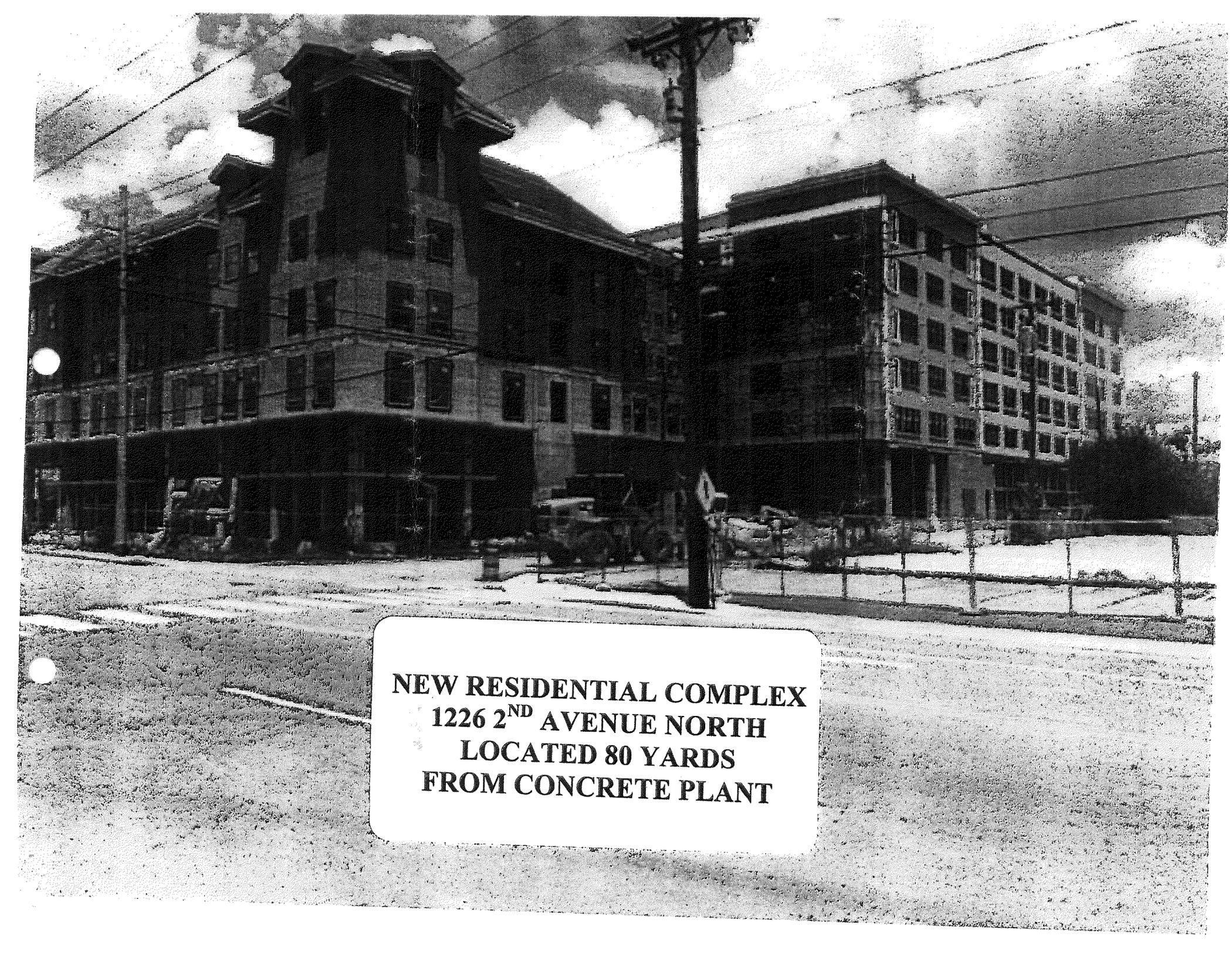


**1100 3rd AVENUE NORTH
EXISTING RESIDENTIAL
COMMUNITY ACROSS THE
STREET FROM CONCRETE PLANT**

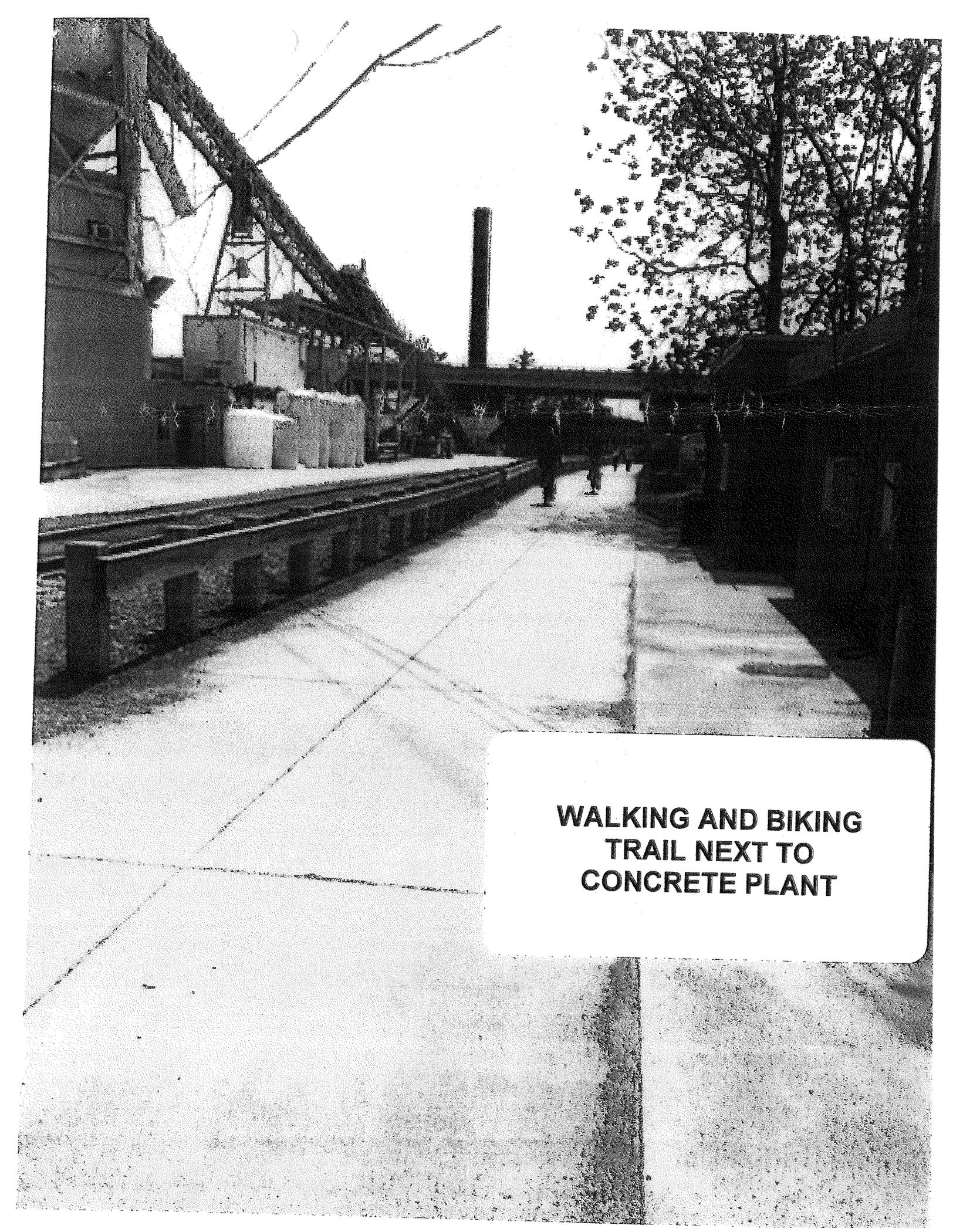


**200 MADISON STREET
NEW RESIDENTIAL COMPLEX
UNDER CONSTRUCTION
ACROSS FROM CONCRETE
PLANT**





**NEW RESIDENTIAL COMPLEX
1226 2ND AVENUE NORTH
LOCATED 80 YARDS
FROM CONCRETE PLANT**



**WALKING AND BIKING
TRAIL NEXT TO
CONCRETE PLANT**



300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

T. BRUCE SIMPSON, JR.
DIRECT DIAL: (859) 231-3621
DIRECT FAX: (859) 259-3521
bruce.simpson@skofirm.com

July 6, 2017

Via Hand-Delivery

Mr. Donnie Blake, Chairperson
Louisville Metro Planning Commission
Metro Development Center
444 South Fifth Street
Louisville, Kentucky 40202

RE: Objections to amending the Comprehensive Plan by adopting the
Irish Hill Neighborhood Plan Update

Dear Chairperson Blake,

As you know from my previous correspondence to you and the other members of the Planning Commission dated June 29, 2017, I represent Smyrna Ready Mix Concrete, LLC (“Smyrna”), which has a contract to purchase the property located at 1371 Lexington Road. The property is currently owned by River Metals Recycling, LLC (“River Metals”). The property is zoned M-3, which expressly permits a “concrete, central mixing, and proportioning plant”. On April 13, Smyrna filed a development plan for the purpose of constructing a concrete mixing plant on this property. However, several hours after this plan was filed the Louisville Metro Council enacted a moratorium which precluded this plan from being processed for six months.

About six weeks later on June 6, 2017, the first of four meetings was held for the purpose of “evaluating the current and potential land uses under the existing zoning designations, and recommending appropriate zoning map amendments to address conflicting and incompatible uses” for certain defined properties along a limited section of Lexington Road. The

River Metals property is one of these properties and is by far the largest vacant parcel of property (20 plus acres), if not the only vacant parcel included in the moratorium and study area. It is also the only property included in the moratorium and study area for which a pending development plan has been filed to develop the property in conformity with the existing zoning regulations.

As recited in the "Irish Hill Neighborhood Plan Update", these meetings took place between June 6th, 13th, 20th and 24th. The principal focus of these meetings, as recited in the "Irish Hill Neighborhood Plan Update", which is before you today as a proposed amendment to the Comprehensive Plan, "was built upon the directions of the (moratorium) ordinance and the broader goal of updating the land use recommendations of the 2002 Irish Hill Neighborhood Plan for the Lexington Road corridor. The primary question repeatedly asked of the people who attended these four meetings was, "what kind of changes in land use do you prefer?" On the average, there were about 10 to 15 people who lived or owned property in the moratorium area who attended each of these meetings. A majority of the people who attended the meetings were neighborhood residents who did not support any of the currently zoned uses for the Lexington Road property. Not surprisingly then, the "Irish Hill Neighborhood Plan Update" excludes the existing M-3 and M-2 uses, allowing only for M-1 uses pursuant to certain performance standards.

Prior to the first meeting of the Irish Hill Neighborhood Plan Update, specified deadlines were imposed which, the planning staff acknowledged on several occasions, could not be altered. These deadlines are attached hereto as Exhibit 1. During the Planning Subcommittee meeting held last Friday, June 30, 2017, Planning Commissioner David Tomes suggested that the July 6th public hearing to amend the Comprehensive Plan be postponed a few weeks to allow Smyrna to share its development proposal with the neighborhood. However, the planning staff advised Mr. Tomes that such a postponement could not take place because staff had been given strict orders to process this proposed amendment to the Comprehensive Plan in accordance with the time table referenced in Exhibit 1. This unprecedented expedited processing of this proposed amendment to the Comprehensive Plan does not comply with governing Kentucky law as set out below.

**I. THE REQUIRED RESEARCH, ANALYSIS AND PROJECTIONS
AS MANDATED BY KRS 100.191 HAVE NOT BEEN DONE**

KRS 100.191 mandates that:

All elements of the comprehensive plan shall be based upon, but not limited to, the following research, analysis, and projections:

- (1) An analysis of the general distribution and characteristics of past and present population and a forecast of the extent and character of future population as far into the future as is reasonable to foresee;

(2) An economic survey and analysis of the major existing public and private business activities, and a forecast of future economic levels, including a forecast of anticipated necessary actions by the community to increase the quality of life of its current and future population through the encouragement of economic development as far into the future as is reasonable to foresee;

(3) Research and analysis as to the nature, extent, adequacy, and the needs of the community for the existing land and building use, transportation, and community facilities in terms of their general location, character and extent, including, the identification and mapping of agricultural lands of statewide importance and analysis of the impacts of community land use needs on these lands; and

(4) Additional background information for the elements of the comprehensive plan may include any other research analysis, and projections which, in the judgment of the planning commission, will further serve the purposes of the comprehensive plan.

Conspicuous by its absence is any of the research, analysis or projection requirements imposed by KRS 100.191 to support a proposed amendment to the Comprehensive Plan. There is nothing in the Irish Hill Neighborhood Plan Update which purports to even remotely comply with the mandatory provisions of this statute. Indeed, virtually the sole basis of the recommended land use changes stems from the personal preferences expressed by the neighborhood residents and the staff. While the preferences of the residents should certainly be considered as regards a proposed amendment to the Comprehensive Plan, such preferences cannot be the exclusive or even the predominant justification for amending the Comprehensive Plan. Kentucky courts have long held that the procedure for an amendment to the Comprehensive Plan is the same as for the adoption of the original plan. Hines v Pinchback-Halloran Volkswagen, Inc. Ky., 513 S.W. 2d 492 (1974).

II. THE 2002 IRISH HILL NEIGHBORHOOD PLAN WAS NEVER ADOPTED AS PART OF THE COMPREHENSIVE PLAN BY THE PLANNING COMMISSION

The “Irish Hill Neighborhood Plan Update” purports to update a document entitled “The Irish Hill Neighborhood Plan”. This document was created in 2002, but it was never incorporated into the Comprehensive Plan by the Planning Commission. In 2011, the Metro Council adopted a four page document referred to as the “Irish Hill Neighborhood Executive Summary”. However, except for the “Goals and Objectives”, the Planning Commission has exclusive jurisdiction and responsibility for approving the Comprehensive Plan. Lakeside Park v Quinn 672 S.W.2d 666, 1984 Ky. LEXIS 258 (Ky. 1984). The Metro Council is only empowered under state law to approve the Goals and Objectives of the Comprehensive Plan. Even if the Metro Council were empowered to approve an amendment to the Comprehensive Plan, such an amendment would have to be first acted upon by the Planning Commission and also comply with the research requirements set out in KRS 100.191. This was

not done. Instead, the Metro Council merely adopted an "Executive Summary" of a document that had been prepared 9 years earlier. Regardless there is no Irish Hill Neighborhood Plan which is a part of the current Comprehensive Plan.

In summary, this unusual fast paced processing of a proposed amendment to the Comprehensive Plan and proposed subsequent rezoning has been designed to eliminate Smyrna's proposed use of the Lexington Road property. This is being done despite the fact that Smyrna has a pending development plan for a use which is permitted by the existing zoning for this property. As set out herein, the proposed amendment to the Comprehensive Plan is not in conformity with applicable state law. Therefore, the Planning Commission should not approve the proposed amendment.

**III. SMYRNA INTENDS TO DEVELOP THE PROPERTY
LOCATED AT 1371 LEXINGTON ROAD IN A MANNER
THAT WILL BE IN COMPLIANCE WITH ALL REGULATORY
REQUIREMENTS AND BE A COMPATIBLE NEIGHBOR**

As I explained in my June 29, 2017 letter, the property at 1371 Lexington Road has significant development constraints. For nearly 70 years the property was used as a scrap metal storage yard. There is significant fill on the property with average depths being 10 to 15 feet deep, but in some instances the depth is approximately 30 feet. Because of its prior use, the property has certain environmental issues which will require the site to be sealed or capped in a manner that is approved by the Kentucky Division of Waste Management. The estimated cost for such work is between \$1 million and \$1.5 million dollars.

Beargrass Creek divides the property making a unified development difficult and very expensive. The existing bridge on the property over Beargrass Creek needs to be removed and replaced. When it rains heavily debris blocks the flow of water under the bridge which results in flooding to more than 20 properties upstream. This situation has existed for years. The cost to remove and replace the bridge is estimated to be \$1 million dollars.

In addition to capping the site and removing/replacing the bridge, thereby eliminating environmental nuisances and flooding problems, Smyrna will donate a 100-foot public access easement along the south side of Beargrass Creek for the Beargrass Creek Shared Use Trail. The proposed concrete plant will be located 525 feet away from Axis Apartments and 750 feet away from the nearest residential property on Lexington Road.

The concrete plant will be a state of the art facility. It will be an enclosed plant which means the trucks will enter the plant for loading. Prior to any trucks leaving the property, they will be cleaned and washed. All water used to wash the trucks as well as storm water captured on the site will be recycled into plant operations. Appropriate measures will be instituted to protect Beargrass Creek. The backup warning signals for front end loaders will be muffled. There will be no gravel access or use areas of any sort on the site. The aggregate and sand used for the concrete mix will be stored in three sided structures which will be screened

Mr. Donnie Blake, Chairperson

July 6, 2017

Page 5

away from residential uses. The conveyor belt used to transport product will also be covered. The trucks will be parked inside a three sided structure. All of the operations of this plant as well as the rest of the site as discussed in my June 29, 2017 letter will be controlled by a best management practices plan which will be submitted as a condition of development plan approval.

In light of how Smyrna's proposes to use the property located at 1371 Lexington Road, it is our request that the existing zoning be allowed to continue.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. Bruce Simpson, Jr.", written in a cursive style.

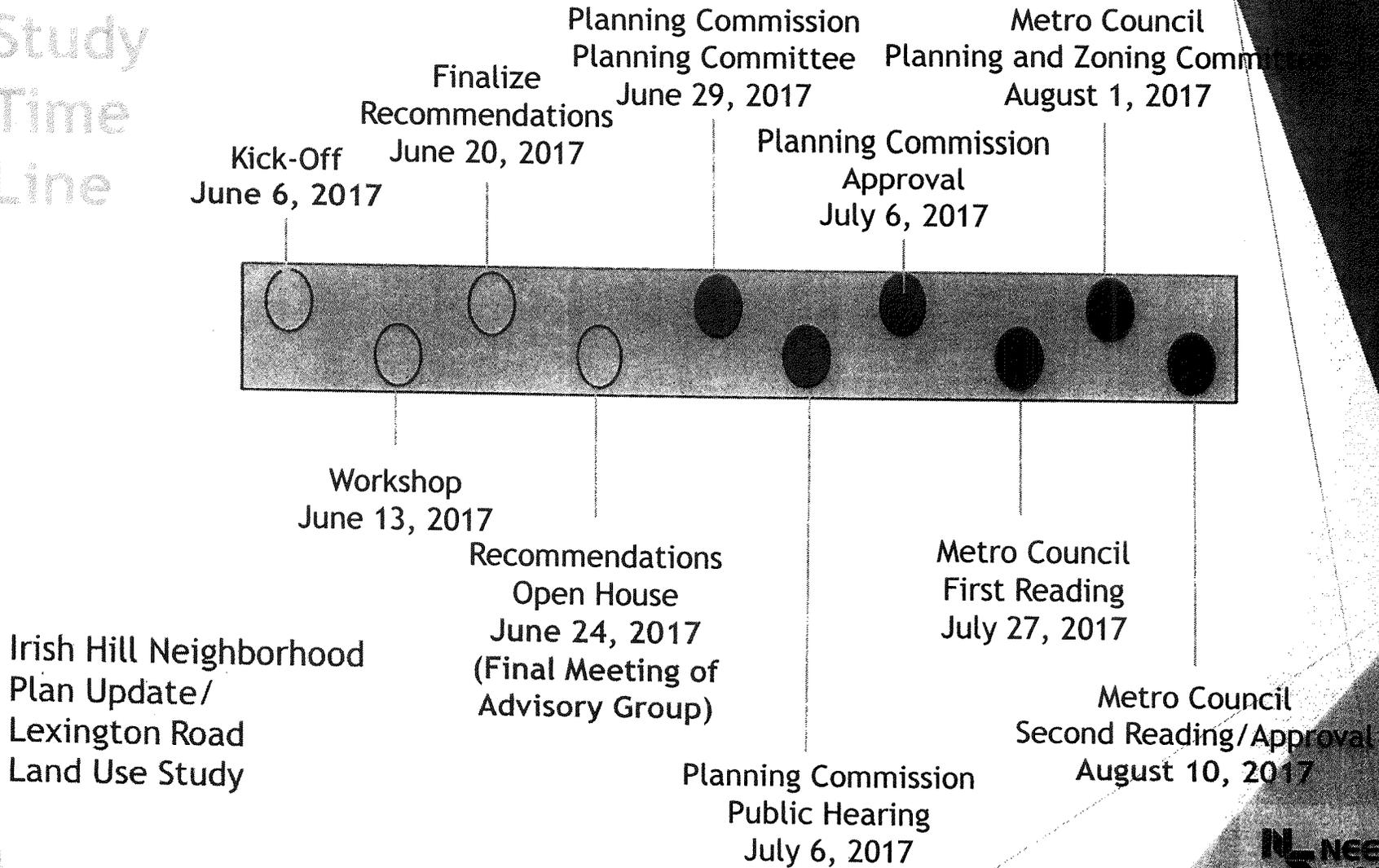
T. Bruce Simpson, Jr.

Enclosure

Cc: Members of the Louisville Metro
Planning Commission

120856.157094/4654385.1

Study Time Line



Irish Hill Neighborhood
Plan Update/
Lexington Road
Land Use Study



334 Beechwood Road, Suite 401
Ft. Mitchell, KY 41017
859-292-8400 office
859-292-8495 fax

June 29, 2017

The Members of the Planning Committee of the
Louisville Metro Planning Commission
c/o Kendal Baker, AICP
Louisville Division of Planning and Design Services
444 South Fifth Street, 3rd Floor
Louisville, Kentucky 40202

Re: Irish Hill Neighborhood Plan Update/Lexington Road
Land Use and Zoning Study

Dear Members of the Planning Committee:

I am Brian Lappin, the Vice President of Finance of River Metals Recycling, LLC ("River Metals" or "RMR"), and RMR's representative on the Advisory Committee of the Irish Hill Neighborhood Plan Update/Lexington Road Land Use Study. River Metals is the owner of a 20 (+/-) acre property at 1371 Lexington Road (the "Property" or "RMR Property"), which is, by far, the largest single property in the study area.

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Though the Property is currently vacant, in 2005 a mixed-use development with neighborhood and community-serving businesses and greenspace was proposed for the site. That proposal was consistent with the 2002 Irish Hill Neighborhood Plan and offered access to Beargrass Creek; however, the project was opposed by neighbors until it was finally abandoned as a result of the 2008 economic downturn.

At the conclusion of this re-development attempt, the Louisville Metropolitan Sewer District ("MSD") stated its interest in the Property as a location for a CSO basin, creating a significant roadblock to development for nearly eight years. After failing to offer fair market value for the Property, MSD chose another location for its project.

Following MSD's release of the Property, RMR marketed the Property and found a buyer in Smyrna Ready Mix Concrete, LLC ("Smyrna"), a Tennessee corporation with an exemplary environmental and safety record. The current moratorium quickly followed, providing a direct and indisputable connection between the moratorium and the contract on the Property.

Despite the timing of the moratorium and the initiation of the land development study, River Metals agreed to participate in the planning process (i.e., the Irish Hill Neighborhood Plan Update); however, we became distressed by the hurried pace of the process in which we have been involved. This planning process for determining the "most appropriate uses" for the study area began on June 6 with the first Advisory Group meeting, and ended on June 20 with the last Advisory Group meeting. That's 3 meetings in 14 days, in which post-it notes and sticky dots were utilized to determine the "best" use for each property in the study area. A wrap up meeting held on June 24 served only to report out the "consensus" as interpreted by the consultants and planning staff. Due to the hurried nature of the planning process and insufficient notice to RMR of the meeting schedule, I was personally able to attend only two of the four meetings. My concerns increased when the information collected in those three meetings was interpreted without the input of the Advisory Committee.

It remains unclear how the exercises in which the Advisory Committee and neighbors engaged resulted in the land use recommendations for the RMR site. My request to discuss that issue was ignored. Of particular concern is that the process did not include a market feasibility study to determine which land uses would have the highest likelihood of being commercially successful. The likelihood of success of the permitted, limited and conditional uses as applied to the RMR property in the "Large Scale Redevelopment Sub Area Land Use Table" is simply not supported by more than 15 years of our efforts to market the Property. The resulting conclusions of the Land Use Study effectively deprives RMR of the ability to develop the Property.

With the Advisory Group consisting of a disproportionate number of residents, the study was basically a neighborhood referendum on which land uses were favored by the residential neighbors without regard to the investment RMR has in its property. As a result, it appears that the outcome with regard to the RMR property was predetermined. Assuming the proposed zoning designations are approved, RMR will be deprived not only of the benefit of its pre-moratorium contract with Smyrna, but will also suffer the future reduced marketability of the Property.

In conclusion, RMR asks for two considerations from the Planning Committee:

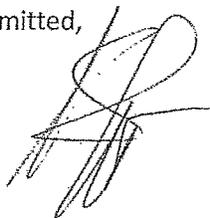
1. Objectively review the Smyrna development plan filed prior to the enactment of the moratorium against the standards that existed at the time, as this plan already includes numerous development elements addressed the 2002 Irish Hill Neighborhood Plan by downsizing industrial activities, retaining the Beargrass Creek corridor, and converting the heaviest use industrial sites to light and clean industrial and commercial use; and,

2. Modify the recommended PDD zoning to remove the limitation of M-1 uses, and permit all clean industrial uses in accordance with the existing 2002 Irish Hill Neighborhood Plan, including uses permitted in the M-3 Industrial District, with reasonable performance standards

We appreciate your attention to this matter

Respectfully Submitted,

Brian S. Lappin



Large Scale Redevelopment Sub Area Land Use Table

[Submitted by River Metals Recycling, LLC, the largest land owner in the Irish Hill study area.]

| | |
|---------------------------------|---|
| Multi-Family Residential | Consists primarily of multi-family residential uses either in stand-alone structures or as part of a mixed-use building. This category also permits residential care facilities in accordance with KRS Chapter 100. |
| Office Uses | Consists of business, professional, medical or governmental offices and community service facilities. |
| Commercial Uses | Consists of all uses permitted in Commercial Districts C-N, C-1, C-2 and C-M. |
| Institutional Uses | Consists primarily of institutional uses of a religious or educational nature. This category also permits community-related uses such as community centers. |
| Limited Uses | <p>All uses permitted in Industrial Districts M-1, M-2, M-3 and C-M, together with performance standards relating to:</p> <ul style="list-style-type: none"> ▪ Noxious odors ▪ Particulates and air quality emissions ▪ Traffic generation ▪ Noise generation ▪ Lighting ▪ Ambient dust emissions ▪ Buffering, screening and separation techniques ▪ Hours of operation |
| Conditional Uses | Those uses listed as conditional uses in the Land Development Code as of June 1, 2017. |